IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 22 OF 2003

Kantilal Panchal .. Petitioner

Versus

Brihanmumbai Municipal Corporation .. Respondents

Mr.S.M. Sakhardande i/b Mrs.S.S. Wagh for the petitioner.

Mrs.A.R. Joshi for the respondents.

CORAM : F.I. REBELLO, J.

DATE : 12TH OCTOBER 2004

P.C. :

1. Heard the learned counsel for the parties.

2. It is not necessary to go into various facts. At the interim stage, while admitting the writ petition on 30th July 2002, the petitioner was directed to apply to the Appropriate Authority to get the alleged unauthorised enclosure of the varandah regularised in accordance with law. On behalf of the petitioner, his learned counsel is not in a position to make a positive statement whether in terms of the order of this Court, an application was moved to the Appropriate Authority. It is also pointed out that the landlord is not in a position to give NOC. However, the landlord has, on a stamp paper while acknowledging consideration, granted

permission for enclosure of varandah and extension. In the light of that the following order:-

(i) The petitioner is permitted, if he has not already applied, to apply for regularisation before the Appropriate Authority, i.e. Executive Engineer, Building Proposal, within a period of 4 weeks from today with all the necessary documents.

(ii) Insofar as the NOC from the landlord is concerned, the petitioner is permitted to file a certified copy of the receipt, as now produced, before the Appropriate Authority. The Appropriate Authority may consider the said receipt as NOC from the landlord.

(iii) On considering the material placed before the Appropriate Authority, the Appropriate Authority shall, within a period of 12 weeks from the receipt of application for regularisation, pass appropriate order in accordance with law and communicate the same to the petitioner.

(iv) If the petitioner is aggrieved by that order, it

shall not be given effect for a period of 4 weeks from the date of the communication.

(v) Rule is made absolute accordingly with no order as to costs.

2. Authenticated copy of this order be issued to the parties.

(F.I. REBELLO J.)